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Chapter No. 429
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SENATE BILL NO. 2449

Originated in Senate *Dr. Welch* Secretary

SENATE BILL NO. 2449

AN ACT TO AMEND SECTION 43-21-321, MISSISSIPPI CODE OF 1972, TO DEFINE THE RESPONSIBILITY OF THE HOME SCHOOL DISTRICT AND THE SPONSORING SCHOOL DISTRICT TO PROVIDE EDUCATION FOR STUDENTS IN JUVENILE DETENTION FACILITIES, TO REQUIRE LOCAL SCHOOL DISTRICTS TO PROVIDE RELEVANT RECORDS OF DETAINED STUDENTS IN ACCORDANCE WITH STATE BOARD OF EDUCATION POLICY, TO PROVIDE FOR A REQUIRED SUMMER COURSE FOR SUCH STUDENTS FOCUSING ON MATHEMATICS AND LANGUAGE ARTS AND TO AUTHORIZE THE STATE DEPARTMENT OF EDUCATION TO PROMULGATE RULES AND REGULATIONS RELATED TO THE EDUCATION OF CHILDREN HOUSED IN A JUVENILE DETENTION FACILITY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 43-21-321, Mississippi Code of 1972, is amended as follows:

43-21-321. (1) All juvenile detention centers shall develop and implement policies and procedures that comply with the regulations promulgated by the Juvenile Facilities Monitoring Unit.

(2) If a student's detention will cause the student to miss one or more days of school during the academic school year or special education services when required by state and federal law

or when designated on a student's Individualized Education Program (IEP), the detention center staff shall notify school district officials where the detainee last attended school by the first school day following the student's placement in the facility. Detention center staff shall not disclose youth court records to the school district, except as provided by Section 43-21-261.

(3) All juvenile detention centers shall adhere to the following minimum standards:

(a) Each center shall have a manual that states the policies and procedures for operating and maintaining the facility, and the manual shall be reviewed annually and revised as needed;

(b) Each center shall have a policy that specifies support for a drug-free workplace for all employees, and the policy shall, at a minimum, include the following:

(i) The prohibition of the use of illegal drugs;

(ii) The prohibition of the possession of any illegal drugs except in the performance of official duties;

(iii) The procedure used to ensure compliance with a drug-free workplace policy;

(iv) The opportunities available for the treatment and counseling for drug abuse; and

(v) The penalties for violation of the drug-free workplace policy; and

(c) Each center shall have a policy, procedure and practice that ensures that personnel files and records are current, accurate and confidential.

(4) Local school districts shall work collaboratively with juvenile detention center staff to provide special education services as required by state and federal law. Upon the written request of the youth court judge for the county in which the detention center is located, a local school district in the county in which the detention center is located, or a private provider agreed upon by the youth court judge and sponsoring school district, shall provide a certified teacher to provide educational services to detainees. The youth court judge shall designate the school district which shall be defined as the sponsoring school district. The local home school district shall be defined as the school district where the detainee * * * was last enrolled. Detainees who have received a High School Equivalency diploma shall be provided remedial instruction in math and language arts, or other areas as determined by the sponsoring school district, which may be computer-based instruction, as well as career counseling opportunities. Teacher selection shall be in consultation with the youth court judge. The Legislature shall annually appropriate sufficient funds for the provision of educational services, as provided under this section, to detainees in detention centers.

(5) To ensure students in youth detention facilities continue to receive appropriate educational services, local education agencies (LEAs) must have policies and procedures to ensure the relevant records of students who move to, and from, youth detention facilities are sent to and received from the sponsoring school district as soon as practicable to enable the effective delivery of educational services.

(* * *6) The sponsoring school district, or a private provider agreed upon by the youth court judge and sponsoring school district, shall be responsible for providing the instructional program and, when required by state and federal law, special education services, for the detainee while in detention during the sponsoring school district's academic calendar and a six-week summer enrichment program, the dates which are determined by the sponsoring school district. The enrichment program shall be facilitated by certified or classified district staff and shall be focused academically on mathematics and English language arts instruction, and may include other primary core subject areas, including character education. The six-week enrichment program shall not set aside any guidelines set forth by the Individuals with Disabilities Education Act. The summer enrichment program may be computer-based and have an abbreviated school day that shall not be less than four (4) hours per day. After forty-eight (48) hours of detention * * * during the sponsoring school district's academic calendar and six-week enrichment program, the

detainee shall receive the following services which may be computer-based:

(a) Diagnostic assessment of grade-level mastery of reading and math skills;

(b) Individualized instruction and practice to address any weaknesses identified in the assessment conducted under paragraph (a) of this subsection if the detainee is in the center for more than forty-eight (48) hours during the sponsoring school district's academic calendar and six-week enrichment program; and

(c) Character education to improve behavior.

(* * *7) No later than the tenth day of detention during the sponsoring school district's academic calendar and six-week enrichment program, the detainee shall begin an extended detention education program. A team consisting of a certified teacher provided by the local sponsoring school district or a private provider agreed upon by the youth court judge and sponsoring school district, the appropriate official from the local home school district, and the youth court counselor or representative will develop an individualized * * * academic program (IAP) for the detainee, where appropriate as determined by the teacher of the sponsoring school district, or a private provider agreed upon by the youth court judge and sponsoring school district. The detainee's parent or guardian shall participate on the team unless excused by the youth court judge. Failure of any party to participate shall not delay implementation of this education

program. Any student identified under IDEA will utilize the student's current IEP in lieu of the IAP.

(8) It shall be the responsibility of the student's local home school district school to ensure that all related services identified on a student's IEP are provided in accordance with the student's IEP.

(9) It shall be the responsibility of the student's local home school district to collaborate with the sponsoring school district to ensure that all students, including students with disabilities, are appropriately included in general state and district-wide assessments, including assessments required by the Elementary and Secondary Education Act of 1965 (ESEA), as amended, and state law.

(10) Teachers in youth detention facilities serving IDEA-eligible students must be licensed with endorsements required by state and federal law, and related services personnel and paraprofessionals must meet state and federal qualifications for those personnel.

(* * *11) The sponsoring school district, or a private provider agreed upon by the youth court judge and sponsoring school district, shall provide the detention center with an appropriate and adequate computer lab to serve detainees. The Legislature shall annually appropriate sufficient funds to equip and maintain the computer labs. The computer lab shall become the

property of the detention centers and the sponsoring school districts shall maintain and update the labs.

(* * *12) The Mississippi Department of Education will collaborate with the appropriate state and local agencies, juvenile detention centers and local school districts to ensure the provision of educational services to every student placed in a juvenile detention center. The Mississippi Department of Education has the authority to develop and promulgate policies and procedures regarding financial reimbursements to the sponsoring school district from school districts that have students of record or compulsory-school-age residing in said districts placed in a youth detention center. Such services may include, but not be limited to: assessment and math and reading instruction, character education and behavioral counseling. The Mississippi Department of Education shall work with the appropriate state and local agencies, juvenile detention centers and local school districts to annually determine the proposed costs for educational services to youth placed in juvenile detention centers and annually request sufficient funding for such services as necessary.

(* * *13) Juvenile detention centers shall ensure that staffs create transition planning for youth leaving the facilities. This process shall be led by the student's youth court counselor, and shall include staff from the educational center. Plans shall include providing the youth and his or her

parents or guardian with copies of the youth's detention center education and health records, information regarding the youth's home community, referrals to mental and counseling services when appropriate, and providing assistance in making initial appointments with community service providers; the transition team will work together to help the detainee successfully transition back into the home school district once released from detention. The transition team will consist of a certified teacher provided by the local sponsoring school district, or a private provider agreed upon by the youth court judge and sponsoring school district, the appropriate official from the local home school district, the school attendance officer assigned to the local home school district, and the youth court counselor or representative. The detainee's parent or guardian shall participate on the team unless excused by the youth court judge. Failure of any party to participate shall not delay implementation of this education program.

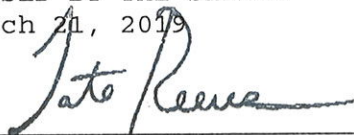
(14) Student's records, including grades and attendance, shall be part of the student's transition and submitted to the receiving school district for review. Grades received from the Juvenile Detention Center (JDC) education program shall be incorporated into each student's academic performance grade.

(* * *15) The Mississippi Department of Public Safety Juvenile Detention Facilities Monitoring Unit shall monitor the detention facilities for compliance with these minimum standards,

and no child shall be housed in a detention facility the monitoring unit determines is substantially out of compliance with the standards prescribed in this section. In accordance with Section 43-21-907(5), Mississippi Code of 1972, the Mississippi Department of Education has the authority to promulgate rules and regulations related to the education of all children housed in a juvenile detention facility, to conduct inspections of the facility's educational services at least annually or more often as deemed necessary and shall provide the licensing agency with its determination of the facility's compliance with the education provisions. The licensing agency shall use the information in its determination of the facility's eligibility for licensure. It is the intention of the Legislature that the implementation of the provisions of Section 43-21-321 shall not create accountability or accreditation requirements or standards upon the sponsoring school district or the home district that are greater, more restrictive or more demanding than those requirements imposed upon local school districts in the provision of educational services to the general population of students.


SECTION 2. This act shall take effect and be in force from
and after July 1, 2019.

PASSED BY THE SENATE
March 21, 2019



PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 12, 2019



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

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